



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

October 2, 2000

Kinde Durkee
Hispanic PAC USA, Inc.
601 S. Glenoaks Boulevard, #208
Burbank, CA 91502

RE: MUR 5018
Hispanic PAC USA, Inc. and
Esteban Torres, as treasurer

Dear Ms. Durkee:

On September 1, 2000, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. § 434(a)(4)(A)(i), 2 U.S.C. § 434(a)(4)(A)(ii), and 2 U.S.C. § 434(a)(4)(A)(iv), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

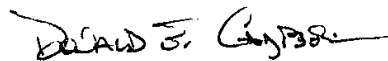
The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Kindee Durkee
MUR 5018
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Enclosed you will find a copy of the fully executed conciliation agreement for your files. The payment of the civil penalty has been received. If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Donald E. Campbell
Paralegal Specialist

Enclosure
Conciliation Agreement

cc: Esteban Torres, Treasurer (with enclosure)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Hispanic PAC, USA, Inc. and) MUR: 5018
Esteban Torres, as treasurer)

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
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CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Hispanic PAC USA, Inc. and Esteban Torres, as treasurer ("Respondents"), violated 2 U.S.C. §§ 434(a)(4)(A)(i), (ii), and (iv).

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Hispanic PAC, USA, Inc. is a political committee within the meaning of 2 U.S.C. § 431(4), and is not an authorized committee of any candidate. It has elected to report on a quarterly basis.

2. Esteban Torres is the treasurer of Hispanic PAC, USA, Inc..

3. The Federal Election Campaign Act of 1971, as amended, requires treasurers of political committees, other than authorized committees of a candidate, to file periodic reports of receipts and disbursements. In any calendar year in which a regularly scheduled election is held,

all political committees that choose not to file on a monthly basis shall file quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(4)(A)(i). Treasurers of such committees shall also file a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii). In addition, in any other calendar year, treasurers of such committees must also file a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv).

4. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), the due date for Hispanic PAC USA, Inc.'s 1997 Year End Report was January 31, 1998. Hispanic PAC USA, Inc. filed the Report on February 12, 1998, 12 days late, disclosing receipts totaling \$354 and disbursements of \$742.

5. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), the due date for Hispanic PAC USA, Inc.'s 1998 July Quarterly Report was July 15, 1998. Hispanic PAC USA, Inc. filed the Report on August 11, 1998, 27 days late, disclosing receipts totaling \$25,893 and disbursements of \$19,786. Hispanic PAC USA, Inc. subsequently amended these figures, listing total receipts of \$20,893 and disbursements of \$19,786.

6. Pursuant to 2 U.S.C. § 434(a)(4)(A)(ii), the due date for Hispanic PAC USA, Inc.'s 1998 12 Day Pre-General Report was October 22, 1998. Hispanic PAC USA, Inc. filed the Report on December 3, 1998, 42 days late, disclosing receipts totaling \$5,065 and disbursements of \$12,129.

7. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), the due date for Hispanic PAC USA, Inc.'s 1998 Year End Report was January 31, 1999. Hispanic PAC USA, Inc. filed the Report on April 1, 1999, 60 days late, disclosing receipts totaling \$295 and disbursements of \$590.

V. Respondents failed to timely file their 1997 Year End Report, in violation of 2 U.S.C. § 434(a)(4)(A)(ii); their 1998 July Quarterly Report, in violation of 2 U.S.C. § 434(a)(4)(A)(i); their 1998 12 Day Pre-General Report, in violation of 2 U.S.C. § 434(a)(4)(A)(iv); and their 1998 Year End Report, in violation of 2 U.S.C. § 434(a)(4)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Four Thousand Five Hundred Dollars (\$4,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.


IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

10/2/00
Date

FOR THE RESPONDENTS:


(Name)
(Position)

July 25, 2000
Date